



# House of Representatives

General Assembly

**File No. 521**

*January Session, 2011*

Substitute House Bill No. 6422

*House of Representatives, April 13, 2011*

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE NOTIFICATION OF MEDIATION AND  
ARBITRATION DECISIONS IN DISPUTES BETWEEN BOARDS OF  
EDUCATION AND TEACHERS BARGAINING UNITS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (4) of subsection (c) of section 10-153f of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective July 1, 2011*):

4 (4) After hearing all the issues, the arbitrators or the single arbitrator  
5 shall, within twenty days, render a decision in writing, signed by a  
6 majority of the arbitrators or the single arbitrator, which states in detail  
7 the nature of the decision and the disposition of the issues by the  
8 arbitrators or the single arbitrator. The written decision shall include a  
9 narrative explaining the evaluation by the arbitrators or the single  
10 arbitrator of the evidence presented for each item upon which a  
11 decision was rendered by the arbitrators or the single arbitrator and  
12 shall state with particularity the basis for the decision as to each

13 disputed issue and the manner in which the factors enumerated in this  
14 subdivision were considered in arriving at such decision, including,  
15 where applicable, the specific similar groups and conditions of  
16 employment presented for comparison and accepted by the arbitrators  
17 or the single arbitrator and the reason for such acceptance. The  
18 arbitrators or the single arbitrator shall file one copy of the decision  
19 with the commissioner, each town clerk in the school district involved,  
20 the legislative body or bodies of the town or towns for the school  
21 district involved, or, in the case of a town for which the legislative  
22 body of the town is a town meeting or representative town meeting, to  
23 the board of selectmen, and the board of education and organization  
24 which are parties to the dispute. The decision of the arbitrators or the  
25 single arbitrator shall be final and binding upon the parties to the  
26 dispute unless a rejection is filed in accordance with subdivision (7) of  
27 this subsection. The decision of the arbitrators or the single arbitrator  
28 shall incorporate those items of agreement the parties have reached  
29 prior to its issuance. At any time prior to the issuance of a decision by  
30 the arbitrators or the single arbitrator, the parties may jointly file with  
31 the arbitrators or the single arbitrator, any stipulations setting forth  
32 contract provisions which both parties agree to accept. In arriving at a  
33 decision, the arbitrators or the single arbitrator shall give priority to  
34 the public interest and the financial capability of the town or towns in  
35 the school district, including consideration of other demands on the  
36 financial capability of the town or towns in the school district. In  
37 assessing the financial capability of the town or towns, there shall be  
38 an irrebuttable presumption that a budget reserve of five per cent or  
39 less is not available for payment of the cost of any item subject to  
40 arbitration under this chapter. The arbitrators or the single arbitrator  
41 shall further consider, in light of such financial capability, the  
42 following factors: (A) The negotiations between the parties prior to  
43 arbitration, including the offers and the range of discussion of the  
44 issues; (B) the interests and welfare of the employee group; (C)  
45 changes in the cost of living averaged over the preceding three years;  
46 (D) the existing conditions of employment of the employee group and  
47 those of similar groups; and (E) the salaries, fringe benefits, and other

48 conditions of employment prevailing in the state labor market,  
49 including the terms of recent contract settlements or awards in  
50 collective bargaining for other municipal employee organizations and  
51 developments in private sector wages and benefits. The parties shall  
52 submit to the arbitrators or the single arbitrator their respective  
53 positions on each individual issue in dispute between them in the form  
54 of a last best offer. The arbitrators or the single arbitrator shall resolve  
55 separately each individual disputed issue by accepting the last best  
56 offer thereon of either of the parties, and shall incorporate in a decision  
57 each such accepted individual last best offer and an explanation of  
58 how the total cost of all offers accepted was considered. The award of  
59 the arbitrators or the single arbitrator shall not be subject to rejection  
60 by referendum. The parties shall each pay the fee of the arbitrator  
61 selected by or for them and share equally the fee of the third arbitrator  
62 or the single arbitrator and all other costs incidental to the arbitration.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2011</i>	10-153f(c)(4)
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**ED**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which requires education arbitrators to send a copy of teacher or administrator binding arbitration awards to legislative bodies of the town involved as well as to the education commissioner, town clerk, board of education and union, is not anticipated to result in a fiscal impact.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis**

**sHB 6422**

***AN ACT CONCERNING THE NOTIFICATION OF MEDIATION AND  
ARBITRATION DECISIONS IN DISPUTES BETWEEN BOARDS OF  
EDUCATION AND TEACHERS BARGAINING UNITS.***

**SUMMARY:**

This bill requires education arbitrators to send a copy of teacher or administrator binding arbitration awards to the legislative bodies of the towns involved as well as to the education commissioner, town clerk, board of education, and union. In the case of a town in which the legislative body is a town meeting or representative town meeting, the notice must be sent to the board of selectmen.

EFFECTIVE DATE: July 1, 2011

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea 32 Nay 0 (03/25/2011)